


Department of Public Safety / Division of Corrections

CHAPTER:	3	Institutional Operations	3.2.15
SECTION:	2	Safety and Emergency Procedures	EFFECTIVE DATE: 12 / 2 / 2002
SUBJECT:	15	Use of Chemical Agents	
APPROVED:			REVIEW DATE: 2 / 17 / 17
Dale Glass COMMISSIONER OF CORRECTIONS			REVISION DATE: 3-22-17
Rescind: 3.2.15 dated 1/15/2006			

I. POLICY

It is the policy of the St. Louis City Division of Corrections to issue chemical agents to custody staff for use, to protect themselves or others from imminent danger, prevent escapes, and willful destruction of facility property if the custody staff concludes that a lesser degree of force will not be successful.

II. PURPOSE

To provide guidelines for the use of chemical agents by custody staff.

III. APPLICABILITY

All Divisional trained custody Staff approved to carry chemical agents.

IV. STANDARDS**ACA Adult Local Detention Facilities, 4th Edition****2B-04**

Procedures govern the availability, control, and use of firearms, less lethal devices, and related security devices, and specifies the level of authority required for their access and use. Chemical agents and electrical disablers are used only with the authorization of the facility administrator or designee.

2B-06

The facility maintains a record of routine and emergency distribution of security equipment. Firearms, chemical agents, and related security equipment are inventoried at least monthly to determine their condition and expiration dates.

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2B-07

Written reports are submitted to the facility administrator or designee no later than the conclusion of the tour of duty when any of the following occur:

- discharge of a firearm or other weapon
- use of less lethal devices to control inmates
- use of force to control inmates
- inmate (s) remaining in restraints at the end of the shift

7B-15 (MANDATORY)

All personnel authorized to use chemical agents receive thorough training in their use and in the treatment of individuals exposed to a chemical agent.

V. DEFINITIONS

Active Resistance: Any physical or confrontational act that resists the order or directive of staff while inmate engages in combative stance, or refuses to surrender object that could be used as weapon, attempting to strike, or struggle with officers, fighting with other inmates; or any such behavior that will lead to injury.

Chemical Agents: Any device or instrument which contains or emits a liquid, powder, or any other substance designed to incapacitate. This includes, but not limited to, Oleoresin Capsicum AKA, Pepper Spray; Tear Gas Cartridges and other Self-contained Sprays.

Force: Any physical contact or contacts by use of chemical agents or Taser device made deliberately or spontaneously by Correctional staff with an inmate, in a confrontational situation, to control the inmate's behavior or to enforce an order.

Oleoresin Capsicum (OC): A Pepper Spray and a class of chemical agents which when applied on a person are capable of incapacitating the person.

Planned Use of Force: (See Anticipated Use of Force in DOC #3.1.21) - A condition in which staff is able to contemplate the use of force beforehand, based on nature of the incident, inmate past history of behavior, or current behavior exhibited by inmate.

Passive Resistance: A non-physical confrontational resistance of an order in which inmates verbally states what they will or will not do, under non-combative stance.

Spontaneous Force: Force that cannot be anticipated or planned.

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VI. CANCELLATION

This procedure and work rule cancels all previous Division policies, statements, memorandums, directives, orders, notices, rules and regulations which are inconsistent with this policy.

VII. GENERAL INFORMATION

1. Oleoresin Capsicum (OC) is authorized and issued to custody staff by the City of St. Louis Division of Corrections. The issued OC to individuals is for spontaneous use in situations warranting the use of force.
2. Only trained custody staff may carry the approved and individual's issued OC on them for personal safety. Employees are prohibited from bringing non-institutional issued OC or other chemical agents into the facility.
3. The use of the OC will be only in accordance with the manufacturer's recommendations and in compliance with the Divisional training program plan and the institutional Use of Force policy. (See DOC #3.1.21: Use of Force).
4. OC spray may be used when staff safety is threatened, or when an inmate is engaging or displays active resistance behavior. OC use is a level of force escalation necessary to compel compliance and requires a Use of Force Report.
5. OC will not be used on an inmate in a closed vehicle, unless staff is attempting to secure an active resistant inmate or inmate attempting to escape from transportation vehicle.
6. OC will not be used on an inmate that has been placed on restraint.
7. An inmate that does not pose eminent danger to staff safety, other inmates; is passive resistant, or is confined inside a secured cell but is disruptive in the cell, will not be pepper sprayed to punish the inmate for being disruptive. An OC spray into inmate's cell when inmate is disruptive i.e., banging on the wall, must be authorized by the Supervisor in a planned use of force and justified in writing. (See DOC #3.1.21: Use of Force; 3.1.27: Cell Extraction).
8. Employees are strictly prohibited from using the OC as a punishment on inmates.
9. It is a violation of this policy to spray an inmate with chemical agent when there is no justifiable security reason to do so. Staff will be subject to discipline including and up to termination for inmate abuse.

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10. The large OC canister or MK9-Cell Buster is not designated for spontaneous use of force. The use of the cell buster must be authorized by the Shift Supervisor and only in a planned use of force warranting such use and is justified in writing. (See DOC #3.1.21: Use of Force; and #3.1.27: Cell Extraction). The MK9-Cell Buster may not be issued to any staff to carry on their person.
11. All uses of the OC including the MK9-Cell Buster are considered a use of force. The reporting requirements are as set forth in DOC policy #3.1.21: Use of Force, and policy #3.1.10: Incident Reporting.
12. Individual OC is weighed after each use, by the Supervisor to determine amount used, and reported, (see Procedure C, item #3 below).
13. The Shift Supervisor inventories all the OC that has not been issued out, and related security equipment at least monthly to determine their condition and expiration dates and submits report to the Chief of Security.

VIII. PROCEDURES

A. Training, Issuing, Carrying and Inspection of Chemical Agent.

1. All custody staff will receive four (4) hours of training on the use of chemical agents by a certified trainer prior to being issued and allowed to carry Divisional issued OC. (See policy #1.4.1: Training Requirements).
2. Prior to issuing an OC canister to staff, the Custody Supervisor weighs the item and records the weight in the OC Issue Log.
3. Correctional Staff will inspect their OC canister at least once a month, checking the seal and the expiration date and report all concerns to their Supervisor.
4. Custody staff will request new canisters from the Shift Supervisor when issued canister has expired or is empty.
5. When the Shift Supervisor receives the empty or expired canister the Supervisor records a number on a new canister and issues it to the staff.
6. The Shift Supervisor records the canister issuance and date, in the OC Issue Log.
7. The Shift Supervisor gives the old canister to the Chief of Security for disposal.
8. The Chief of Security disposes the old canister by placing it inside a plastic bag and placing the bag in the trash receptacle. (See Policy #2.4.4: Housekeeping)

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B. Use of the Chemical Agent

1. Custody staff uses OC under the following circumstances after concluding that a lesser degree of force will not stop the inmate, when in:
 - a. Spontaneous Use of Force -
 - 1) Through the actions of the inmate, the staff concludes that bodily harm to the staff or another person is imminent,
 - 2) An inmate is attempting to escape from the facility or from the custody of a Correctional Officer; or
 - b. Planned Use of Force -
 - 1) The inmate is engage in active resistance with staff, or
 - 2) The inmate is in the process of willfully destroying property in which case,
 - 3) The Supervisor will form a response team and, staff will adhere to the specifications of DOC #3.1.20, 3.1.21, and 3.1.27 with respect to anticipated use of force. (Note: A mere banging on a cell wall or door does not rise to a level of "destruction of property."
2. In situation of spontaneous use of force, the custody staff and/or the Master Control Officer radio for assistance.
3. The custody staff shakes the Pepper Spray's canister and aims the nozzle at the inmate's face while standing at 2 to 8 feet from the inmate.
4. The Custody staff yells OC to warn other Correctional Officers of the eminent discharge of OC spray.
5. The staff sprays the inmate for 2 to 3 seconds in a circular pattern on the face and, steps back from the point of spray.
6. The staff takes a defensive position and waits to see the inmate's reaction.
7. If the deployment has not stopped the inmate's actions, the custody staff repeats steps 3 through 6, or uses other reasonable force to gain control of the inmate (See DOC #3.1.21: Use of Force).
8. After using the OC, the custody staff radios to responding Correctional Officers that a Pepper Spray has been used.

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9. Once the inmate is under control, Correctional Officers escort the inmate to the Medical Unit for treatment.
10. The Correctional Officer gives the inmate a clean set of clothing while wearing latex gloves, puts the soiled clothing in a plastic bag marked "OC clothing," and places the plastic bag in a dirty laundry cart.
11. The Correctional Officer ensures the area of chemical agent discharge is mopped and wipe down.
12. After decontamination and clearance by the Medical Unit, Correctional Officers will:
 - a. Move the inmate to the Disciplinary Segregation Unit pending a hearing.
 - b. Physically check on the inmate every 30 minutes, for a minimum of 4 hours or more often if directed by Medical personnel.
 - c. Make a log entry for each check in the IJMS/Daily Activity Log Book. (Inmate does not have to be placed alone into the cell unless there is a security reason to do so).
13. If OC is used on a Pre-Admit inmate, the procedures on step 9-11 will apply. Exception would be that once cleared by the Medical Unit, the Pre-Admit inmate may be placed in the Post Admission Housing Unit. If for lack of space in the Post Admission Housing Unit inmate remains in the Admission Area, the Area Supervisor will have the discretion to place inmate into one of the single holding cells or into one of the large holding cells. Inmate does not have to be placed alone into the cell unless there is a security reason to do so.

C. Reporting Requirement

Staff adheres to the requirements of DOC #3.1.21 and DOC # 3.1.10 in addition to the following.

1. The Medical Staff completes an Injury Report and forwards a copy to the Shift Supervisor.
2. The Correctional Officer writes a use of force report. All other staff participants write an incident report in accordance with policy, all of which are turned in to the Shift Supervisor by the end of the shift.
3. The Shift Supervisor weighs the OC after each use to determine amount used, report findings in the Use of Force Report Form and, records the new weight in the appropriate log. The Shift Supervisor reviews report and forwards the reports to the Chief of Security.

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4. The Chief of Security reviews the reports to see that the use of OC was appropriate and within guidelines. The Chief of Security forwards it with comments to the Detention Center Superintendent.
5. The Detention Center Superintendent reviews the reports to see that the use of OC was appropriate and within guidelines. If the force was not within guidelines, the Detention Center Superintendent initiates an investigation (See Policy #1.1.14: Internal Affairs).
6. The Detention Center Superintendent forwards a copy of the reports and results of the review to the Commissioner of Corrections
7. The Detention Center Superintendent forwards the Use of Force Report to Records Retention Unit where it is filed in accordance with policy on records retention. (See DOC #1.1.21: Record Retention and Release of Public Records).
8. If a Correctional Staff is exposed to the chemical agent and requests for medical treatment, the Shift Supervisor initiates employee Injury Report, and issues a treatment authorization.

IX. FORMS

The following forms are referenced in this policy and procedure:

Incident Report

Injury Report

OC Issue Log

Use of Force Form

Daily Activity Log book

X. SEVERABILITY CLAUSE

If any part of this procedure and work rule is, for any reason, held to be in excess of the authority of the appointing authority, such decisions will not affect any other part of this policy.

XI. TRAINING

This procedure and work rule will be included in the First-Year and subsequent In-Service Training for staff having direct contact with the inmate population and authorized to use chemical agents.